

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GERALD E. SIMS, #192822,

Plaintiff,

CIVIL CASE NO. 05-72816
HON. LAWRENCE P. ZATKOFF

v.

JOANNE M. RICCI, et. al.,

Defendants.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is currently before the Court on Magistrate Capel's Report and Recommendation in which the Magistrate Judge recommends that Plaintiff's *pro se* civil rights action pursuant to 42 U.S.C. § 1983, which challenges the validity of a prison disciplinary hearing and asserts claims of violations of due process, should be dismissed. Plaintiff has not filed any objections to the Magistrate's Report and Recommendation.

After a thorough review of the court file, Plaintiff's and Defendants' briefs, and the Report and Recommendation, this Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court. Accordingly, the Court HEREBY GRANTS Defendants' Rule 12(b)(6) Motion to Dismiss.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 28, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 28, 2006.

s/Marie E. Verlinde

Case Manager

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